

# EXHIBIT H

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDREA CONSTAND,

Plaintiff,

v.

WILLIAM H. COSBY, JR.,

Defendant.

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No. 05-cv-1099

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
(INTERNATIONAL LETTER OF REQUEST)**

The United States District Court for the Eastern District of Pennsylvania presents its compliments to the appropriate judicial authority of Canada and requests international judicial assistance to obtain documents to be used in a civil proceeding before this Court in the above captioned matter.

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate courts in Ontario, Canada compel the following entity to produce documents: Sutherland-Chan School of Massage Therapy, 330 Dupont Street, Suite 400, Toronto, Ontario.

**PARTIES**

The parties and their representatives in this matter are:

Plaintiff, Andrea Constand  
represented by:

Defendant William H. Cosby,  
represented by:

Bebe H. Kivitz, Esq.  
Dolores M. Troiani, Esq.  
TROIANI/KIVITZ LLP  
38 Waterloo Road  
Devon, PA 19333

Patrick J. O'Connor, Esq.  
George M. Gowen III, Esq.  
COZEN O'CONNOR  
1900 Market Street  
Philadelphia, PA 19103

Andrew D. Schau, Esq.  
PATTERSON BELKNAP  
WEBB & TYLER LLP  
1133 Avenue of the Americas  
New York, NY 10036

## **FACTS**

Plaintiff, Andrea Constand, brought this civil action against defendant, William H. Cosby, Jr., asserting claims of battery, sexual assault, intentional and negligent infliction of emotional distress, defamation/defamation per se and false light/invasion of privacy. Plaintiff, allegedly a Canadian citizen, alleges that she met defendant while she was employed at Temple University in Philadelphia, Pennsylvania.

The crux of plaintiff's complaint is that, while alone with defendant at defendant's Pennsylvania home in January 2004, defendant deceived plaintiff into ingesting a drug which caused her to become semi-conscious. According to plaintiff, defendant thereafter sexually assaulted her. Defendant denies plaintiff's allegations. In March 2004, plaintiff moved from Philadelphia to Ontario, Canada.

In January 2005, plaintiff reported defendant's alleged actions to the Durham, Ontario police. Plaintiff alleges that, after she spoke to police, she and her mother had telephone conversations with defendant. She further contends that after she reported defendant's alleged actions to the Durham, Ontario police, defendant and/or his authorized representatives knowingly made false statements to the media about plaintiff. The Durham Ontario police subsequently referred plaintiff's case to police in Pennsylvania. The District Attorney of Montgomery County, Pennsylvania decided not to file criminal proceedings against defendant.

In March 2005, plaintiff filed this civil action. Plaintiff alleges that defendant's conduct has caused her, among other things, "mental anguish," "post-traumatic stress disorder," "the loss of enjoyment of life's pleasures," "a set back in her education," and a "loss of earnings and earning capacity." Plaintiff seeks an award of compensatory damages plus reasonable attorneys' fees, interest, costs, punitive damages and other unspecified relief.

The parties currently are conducting discovery. To test plaintiff's allegations and prepare his defense, defendant seeks documents and testimony from several individuals and entities located in Ontario, Canada. Unable to procure these documents and testimony through domestic channels or agreement, defendant has applied to this Court for assistance. Defendant sought an international letter of request to the appropriate court in Ontario, Canada in order to obtain the documents he seeks. This court granted defendant's request and issued this letter.

In September 2004, plaintiff enrolled in classes at Sutherland-Chan School of Massage Therapy ("Sutherland-Chan"). As of September 2005, plaintiff still was enrolled at Sutherland-Chan. Sutherland-Chan likely possesses documents concerning plaintiff's educational endeavors and her potential earning capacity, which would bear on the truth of plaintiff's allegations that defendant's actions caused her a loss of continuity in her education and a loss of earnings and earning capacity.

In addition, plaintiff's therapist, Jennifer Sprague is affiliated with Sutherland-Chan. Plaintiff sought counseling from Ms. Sprague both before and after the alleged attack. Ms. Sprague may have generated documents that bear upon plaintiff's allegations of injury. Defendant is entitled to obtain these records from Sutherland-Chan, to the extent that Sutherland-Chan is the custodian.

### **PRAYER FOR RELIEF**

This Court hereby prays that the appropriate court in Ontario compel Sutherland-Chan School of Massage Therapy to produce any and all records in its possession concerning plaintiff, including but not limited to any: correspondence, applications for admission, transcripts, performance evaluations, documents that reflect the reason she stopped her enrollment in the institution and/or documents concerning Jennifer Sprague's counseling of plaintiff. Such records

are relevant and necessary as a matter of pre-trial discovery for purposes of this litigation. Sutherland-Chan is outside the subpoena power of this or any United States court and the documents sought are not otherwise obtainable by the defendant.

**AUTHORITY**

This Court has the inherent authority to issue an international letter of request. This inherent authority is recognized in the United States Federal Rule of Civil Procedure 28(b), and Title 28, Section 1781 of the United States Code.

**REIMBURSEMENT OF COSTS**

This Court respectfully submits that any fees and costs endured by the appropriate court in Ontario in executing this Court's request for international judicial assistance are reimbursable. Requests for reimbursement should be sent to:

William H. Cosby c/o Patrick J. O'Connor  
Cozen O'Connor  
1900 Market Street  
Philadelphia, PA 19103  
212.665.2000

**SIGNATURE AND SEAL**

Dated: \_\_\_\_\_

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Eduardo C. Robreno, J.  
United States District Court  
for the Eastern District of Pennsylvania  
601 Market Street  
Philadelphia, PA 19106